

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PALTALK HOLDINGS, INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. 6:21-CV-00757-ADA

JURY TRIAL DEMANDED

**DECLARATION OF AMBER B. MAGEE IN OPPOSITION TO CISCO'S MOTION TO
STAY PENDING REEXAMINATION**

I, Amber B. Magee hereby declare as follows:

1. I make this declaration of my own personal knowledge, and if compelled to testify, I could and would competently testify thereto. I am an attorney at Susman Godfrey LLP, counsel for Plaintiff Paltalk Holdings, Inc. This declaration is submitted in opposition to Cisco Systems Inc.'s Opposed Motion to Stay Pending Reexamination.
2. The following facts demonstrate the advanced stage of this litigation:
 - a. Paltalk served 62 pages of preliminary infringement contentions on August 30, 2021.
 - b. Cisco answered Paltalk's complaint on September 30, 2021.
 - c. Cisco began producing technical documents in October 2021.
 - d. Cisco served 653 pages of preliminary invalidity contentions on October 26, 2021.
 - e. The parties filed their claim construction briefs from December 2021 to February 2022.
 - f. The *Markman* hearing was on February 24, 2022.

- g. Discovery began in earnest on February 25, 2022. Both parties served requests on February 25, and through the end of discovery, Paltalk has served 20 interrogatories on Cisco and 64 requests for production. Cisco has served 28 interrogatories on Paltalk and 42 requests for production. Both parties are substantially complete with written discovery, and the parties have exchanged thousands of pages of documents.
- h. From February 2022 to September 2022, the parties have met and conferred about written discovery requests and outstanding discovery obligations at least five times.
- i. Paltalk served its Initial Disclosures on February 25, 2022.
- j. Cisco served its Initial Disclosures on March 1, 2022.
- k. Paltalk conducted its first review of Cisco's source code from March 14, 2022–March 18, 2022.
- l. Paltalk served 86 pages of final infringement contentions on April 28, 2022.
- m. Cisco served 887 pages of final invalidity contentions on April 28, 2022.
- n. The parties have each disclosed multiple expert witnesses.
- o. Paltalk conducted its second review of Cisco's source code from August 22, 2022–August 23, 2022.
- p. The parties' document productions are substantially complete.
- q. Cisco has taken all its fact depositions.
- r. Paltalk has taken four fact depositions, and all depositions can be completed in the coming two weeks.
- s. The parties have exchanged privilege logs.
- t. The parties will exchange opening expert reports in the near future.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my current knowledge. Executed on Friday, September 23, 2022.

By: /s/ Amber B. Magee
Amber B. Magee